

## REMARKS

In accordance with the foregoing, claims 2, 4 and 5 are pending. Reconsideration of the claims is respectfully requested.

### Rejections under 35 U.S.C. § 102

On page 2 of the November 22, 2005 Office Action, claims 2, 4 and 5 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2005/0049941 to Kaplan. The rejections are respectfully traversed.

The rejections of claims 2, 4 and 5 are not in compliance with 37 CFR § 104(c)(2) and the guidelines of MPEP 2131 and MPEP 707.07(d). In particular, the Office Action has not shown that claims 2, 4 and 5 are anticipated by the applied reference, because the applied reference fails to teach or suggest each element of claims 2, 4 and 5.

According to MPEP guidelines, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently in a single prior art reference" (MPEP 2131). Furthermore omnibus rejections are precluded by MPEP guidelines. According to the MPEP, a "plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group" (MPEP 707.07(d)); and by rule, when "a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable" (37 CFR § 104(c)(2)).

In the Office Action, the Examiner concluded that in "regards to claims 2, 4 and 5, Kaplan teaches all the limitations from the instant claims" (Office Action, page 2, line 11). The Examiner reached this conclusion of alleged anticipation without providing any citations to the particular part of the reference other than FIG. 42. Furthermore, the conclusion is expressed in the form of an improper omnibus rejection, i.e., claims of differing scope were grouped together and rejected in a common rejection. As shown below, the Examiner's conclusion alleging anticipation failed to address each element of claims 2, 4 and 5.

In contrast to the Examiner's conclusion, claim 2 recites:

producing, from said commodity-comparison information stored in said storage device, a commodity-comparison map which visually indicates relative superiority and between said commodities in two specified evaluation criteria by plotting each of said commodities on a two-dimensional area with coordinate axes representing the evaluation criteria specified; producing relative-evaluation information which indicates at least one relative evaluation of said commodities

by using said commodity-comparison map; and transmitting said relative-evaluation information to one of at least one second terminal through a communication means

(claim 2, lines 8-15). In other words, Applicants' invention produces a two dimensional X Y co-ordinate commodity-comparison map (i.e., an X Y graph) to visually indicate relative superiority evaluations of compared commodities. Then, Applicants' invention produces relative-evaluation information which indicates at least one relative evaluation of each of the commodities by using the X Y co-ordinate map data. Finally, the evaluation information is sent to a second terminal for viewing.

What was cited in Kaplan (i.e., Fig. 42) shows a web page representing music albums along with identification data and comparative evaluation data of the musical albums produced in a combination text and graphic format. However, nothing in Fig. 42 teaches or suggests "plotting each of said commodities on a two-dimensional area with coordinate axes representing the evaluation criteria" (claim 2, lines 10-11). Thus, Kaplan does not teach or suggest each element of claim 2.

For the above reasons, claim 2 is not anticipated by Kaplan and is in condition for allowance. Dependent claims 4 and 5 distinguish over the applied reference for the reasons discussed in regard to the traversal of the rejection of claim 2 from which they depend.

## **Conclusion**

It is submitted that the reference cited by the Examiner, does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2, 4 and 5 are in condition for allowance.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/287,482

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3/22/06

By: Richard A. Gollhofer  
Richard A. Gollhofer  
Registration No. 31,106

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501